

Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
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TAGS: EAIR, CA, UK
SUBJECT: CIVAIR - CANADIAN NAVIGATION AND COMMUNICATIONS
CHARGES

REFS: (A) STATE 213265; (B) LONDON 13522

1. WE DISCUSSED REFTELS WITH DICK ST. JOHN, DEPUTY
ADMINISTRATOR OF AIR TRANSPORT ADMINISTRATION. HE SAID
UK HAS RECEIVED CANADIAN AUTHORITY TO PROCEED WITH LEGAL
ACTION AGAINST US CARRIERS BUT NOTED CANADIANS EXPECT SUCH
ACTION WILL TAKE SOME TIME BEFORE QUESTION OF PUNITIVE
STEPS AGAINST US CARRIERS IS REACHED. BY THAT TIME,
CANADIANS EXPECT THAT CANADIAN COURTS WILL HAVE MADE
DECISION ON CASE US CARRIERS HAVE BROUGHT. HE ALSO NOTED
THAT THERE IS AN INFORMAL UNDERSTANDING WITH US CARRIERS
TO DEFER ANY PUNITIVE ACTION UNTIL CANADIAN COURT CASE IS
DECIDED.

2. ST. JOHN SAID THAT, ACCORDING TO PRESENT SCHEDULE, US
CARRIERS AND CANADIAN GOVERNMENT ARE TO PRESENT BRIEFS TO
COURT IN OCTOBER WITH EXPECTATION THAT COURT WILL HEAR CASE
IN DECEMBER. NO PUNITIVE ACTION IS TO BE EXPECTED BEFORE
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CANADIAN COURT DECISION. BASED ON COURT'S DECISION,
CANADIANS BELIEVE ACCOMMODATION MAY BE REACHED WITH US
CARRIERS ON PAYMENT OF DISPUTED CHARGES OR, FAILING THAT,
THE CANADIAN GOVERNMENT WOULD PROBABLY PURSUE THE ISSUE
IN THE US COURTS. IN EITHER EVENT, IT APPEARS THAT ANY
PUNITIVE ACTION BY THE BRITISH IS UNLIKELY BEFORE THE
BEGINNING OF 1979 AT THE EARLIEST.

3. COMMENT: IN ST. JOHN'S VIEW, INITIATION OF LEGAL
ACTION AGAINST US CARRIERS BY UK CAA IS NOT INCONSISTENT.
WITH EARLIER STATEMENTS BY MCLEISH SINCE SUCH ACTION WILL
NOT RESULT IN PUNITIVE STEPS AGAINST CARRIERS BEFORE
CANADIAN COURTS DECIDE ON ISSUE. PLACKE

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